

03.02.2021:

The bail petition no. 113/2021 is filed u/s 438 CrPC by the petitioners, Sri Gautam Saha @ Rajesh Saha and Sri Biswajit Saha in connection with Gohpur PS Case No. 282/2018 u/s 420/406/407/34 IPC apprehending arrest in that case.

Heard learned counsel for both the sides.

The learned counsel for the petitioner submitted that the petitioners are innocent but the police are in search of them. He submitted that the FIR was lodged way back in the year 2018 but the police have been harassing the petitioners now without any reason.

The case diary as called for is received.

The informant in his 'ejahar' dated 08.10.2018 stated that on 11.09.2019 he had loaded two quintals of black gram (maatimah) on a ten-wheeled truck and the vehicle was arranged to him by the two petitioners. He had given Rs. 25,000/- to the driver of the vehicle while he paid Rs. 1,200/- to the brother of the petitioner, Rajesh. The driver handed over to him the documents of the vehicle and his mobile number along with two mobile numbers of the owner of the vehicle. However, since then the vehicle has remained traceless and they could not be contacted. He therefore suspected that the petitioners along with the driver had misappropriated the black gram as he later found out the documents to be fake.

After investigating the case for more than two years, the Investigating Officer has noted in the Case Diary that upon going through the materials so far collected, he has suspicion over the petitioners for which he is in look out for them. Considering the allegations leveled against the petitioners and the materials so far collected, I find that this is a fit case wherein the benefit of pre-arrest bail can be extended to the petitioners. The petition is therefore allowed.

Accordingly, the O/C of Gohpur P.S. is directed to release the petitioners in the event of their arrest in connection with the instant case, after obtaining bail bonds of Rs.10,000/- each with one surety of the like amount on the conditions that- (1) the petitioners shall surrender before the O.C. of the concerned P.S. within two days, (2) the petitioners shall make themselves available for interrogation by the Investigating Officer as and when required, (3) they shall not hamper the investigation or tamper with the evidence of the case, (4) they shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to the Investigating Officer.

Inform the O/C of the concerned P.S.

Send back the case diary.